

Amendment and Response
Applicants: Patrick P. Russo et al.
Serial No.: 10/074,740

Attorney Docket: ev31014US

REMARKS

Claims 2 – 11, 13, 15 – 21, 25, 27 and 31 – 38 are pending in this application. Claims 1, 12, 14, 22 – 24, 26 and 28 – 30 are canceled. Claims 2 – 11, 13, 15 – 21, 25, 27 and 31 – 34 are amended. Claims 35 – 38 are newly presented. All of these claims find support in the original application as filed.

Claims 1 – 26 have been rejected under 35 U.S.C. 102(e) as anticipated by U.S. Pat. No. 6,485,501 to Green ("Green"). Applicants traverse this rejection. It is fundamental that in order for a reference to anticipate it must disclose or teach all limitations of the claims.

New independent claim 35 (replacing canceled claim 1) and amended independent claims 8 and 17 each require

the wall having an undeflected configuration prior to retrieval of the medical device into the lumen and a deflected configuration during retrieval of the medical device into the lumen, ... a distance between proximal and distal ends of the wall is less in the deflected configuration than in the undeflected configuration.

Green does not disclose or suggest that the distance between the proximal and distal ends of the distal tip wall is less in the deflected configuration, during medical device retrieval, than in the undeflected configuration, before medical device retrieval. Green does not anticipate independent claims 35, 8 and 17, or any of the claims dependent thereon.

Claims 1 – 34 have been rejected under 35 U.S.C. 102(e) as anticipated by U.S. Pat. No. 6,616,681 to Hanson, et al. ("Hanson"). Applicants traverse this rejection for the same reasons as set forth above with respect to Green.

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New independent claim 35 (replacing canceled claim 1) and amended independent claims 8, 17 and 27 each require

the wall having an undeflected configuration prior to retrieval of the medical device into the lumen and a deflected configuration during retrieval of the medical device into the lumen, ... a distance between proximal and distal ends of the wall is less in the deflected configuration than in the undeflected configuration.

None of the disclosures in Hanson in FIGS. 3 (cone 260), 4, 7 (cone 460), 8, 11 (cone 660), 12, 15 (cone 860), 16, 17 (cone 960, hinge 943), and 18 or throughout the Hanson specification (col. 3, lines 8-19, col. 6, lines 45-57, col. 8, lines 30-42, col. 10, lines 54-65, col. 13, lines 1-10 and 38-47) teach or suggest this configuration. Hanson does not anticipate independent claims 35 (replacing canceled claim 1), 8, 17 and 27 or any of the claims dependent thereon.

Claims 1 – 34 have been rejected under 35 U.S.C. 102(e) as anticipated by U.S. Pat. No. 6,663,651 to Krolik et al. ("Krolik"). Applicants traverse this rejection for the same reasons as set forth above with respect to Green and Hanson. With the present amendments to the claims, it is submitted that Krolik does not anticipate any of the claims.

New independent claim 35 (replacing the canceled original claim 1) and amended independent claim 8, 17 and 27 each require

the wall having an undeflected configuration prior to retrieval of the medical device into the lumen and a deflected configuration during retrieval of the medical device into the lumen, ... a distance between proximal and distal ends of the wall is less in the deflected configuration than in the undeflected configuration.

Krolik does not teach or suggest that a distance between the proximal and distal ends is less in the deflected configuration than in the undeflected configuration. Therefore, Krolik does not anticipate independent claims 35, 8, 17 and 27 or any of the claims dependent thereon.

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CONCLUSION

With the present amendments and remarks, Applicants respectfully submit that all of the pending claims are in condition for allowance. The prompt issuance of a formal Notice of Allowance is solicited. Should there be any minor matters remaining prior to the issuance of a Notice of Allowance, the Examiner is requested to telephone the undersigned attorney of record to achieve prompt resolution thereof.

If any additional fees are due in connection with the filing of this paper, please charge the fees to our Deposit Account No. 16-2312. If a fee is required for an extension of time under 37 C.F.R. § 1.136 not accounted for above, such an extension is requested and the fee should also be charged to our deposit account.

Respectfully submitted,

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